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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,670	07/30/2003	Kazutoshi Onozawa	60188-602	6503
7590 03/29/2006			EXAMINER	
Jack Q. Lever, Jr. McDERMOTT, WILL & EMERY 600 Thirteenth Street, N.W. Washington, DC 20005-3096			MENEFEER, JAMES A	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/629,670	Applicant(s) ONozAWA ET AL.	
	Examiner James A. Menefee	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8,11,12 and 14-17 is/are pending in the application.
 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 14 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/22/2006 has been entered. Claims 1, 8, 11-12, and 14 are amended, and claims 2-3, 5-7, 9-10, and 13 are cancelled, leaving claims 1, 8, 11-12, and 14-17 pending.

Election/Restrictions

Claims 15-17 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/11/2005.

It should be noted that as the claims stand now, claims 15-17 will not be rejoined because they do not depend from or otherwise include each and every limitation of an allowed claim. See MPEP 821.04. Claims 15-17 will thus be cancelled by examiner's amendment if the next amendment places the remaining claims in condition for allowance, unless these claims are amended to include each and every limitation of an allowed claim. See MPEP 821.02.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 5,824,186, previously cited).

Smith discloses in Figs. 10-11 a semiconductor laser device comprising a substrate 93,125 having a plurality of recessed portions in its principal surface, a plurality of semiconductor laser chips 95,127 (while the figs. show LEDs, they may also be lasers, col. 13 lines 38-39) each disposed in one of the recessed portions, wherein the semiconductor laser chips are facet emitting type where the laser is emitted from a facet (facet emission type does not preclude surface emission lasers, an emission from the top or bottom facet is still emission from a facet), plan configuration of the laser chips and the recessed portions are asymmetrical (col. 13 lines 54-58 allow for any shape, and col. 4 lines 48-51 specifically call for asymmetric shapes), the recessed portions are formed so that the respective emission directions of the chips are aligned with each other and parallel with a distance therebetween, and a notch (see Fig. 11, ref. # 123) through which a laser emitting portion of an associated one of the chips is exposed is formed in the substrate to face the laser emitting portion.

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Allowable Subject Matter

Claims 8 and 14 are allowed. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

The reasons for indicating allowability of claims 8 and 14 were given in the prior action, mailed 11/22/2005. Even though the claim scope is broadened (as applicant has rewritten the claims in independent form including all of the limitations of present claim 1, rather than narrower prior base claim 1), the reasons for allowance are not changed because Smith fails to teach or disclose the output from the front and rear being equal, or the recess electrode being shared among the chips. There is no motivation for modifying Smith to reach these limitations.

Regarding claims 11-12, there is not taught or disclosed in the prior art the laser of claim 1 where the plan configurations of the laser chips vary in accordance with emission wavelength or output. While Smith appears to suggest the lasers may have different plan configurations, there is no suggestion in Smith that such configurations are used to vary wavelength or output.

Response to Arguments

Applicant's arguments filed 2/22/2006 have been fully considered and are persuasive. The rejections based on the Song reference have been withdrawn. However, claim 1 is rejected again based on the Smith reference as noted above.

Previously, the examiner rejected claim 1 based on the Smith reference. See Office Action mailed 7/20/2005. The examiner withdrew this rejection based on applicant's amendment

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requiring "the laser emitting portion is formed on the facet in a longitudinal direction of each of the semiconductor laser chips." See amendment filed 10/20/2005. The examiner agreed with applicant's argument that Smith discloses beams emitted in a direction perpendicular to the longitudinal direction, thus Smith failed to disclose the above limitation. See Response of 10/20/2005 at 8. However, by the amendment of 2/22/2006, applicant has removed this limitation from the claim, therefore Smith may again be used in rejecting the claim. If this limitation is added back to the claim, the rejection based on Smith would again be withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Menefee whose telephone number is (571) 272-1944. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MinSun Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Menefee
March 22, 2006